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Appl. No. 10/777,079
Amdt. dated June 23, 2008
Reply to O.A. of May 15, 2008

Remarks

In the Office action dated May 15, 2008, pending claims 1-6, 8-12 and 16-21 were rejected, claims 15, 22, and 23 were allowed, and claims 13 and 14 were objected to as being dependent upon rejected independent base claim 4. Upon entry of this Amendment, claims 1-6 and 8-12, and 15-23 are pending and under consideration in the present application, with claims 4, 12 and 14 being amended and claim 13 being cancelled.

Applicant respectfully traverses the rejection of claim 12 as being anticipated by Hennart et al. U.S. Patent No. 3,587,968. (Hennart et al., col. 4, lns. 33-34) Claim 12 has been amended and reconsideration and withdrawal of the rejection of claim 12 as being anticipated by Hennart et al. is respectfully requested.

Applicant respectfully traverses the rejection of claims 3 and 6 as rejected as being obvious over Kotary et al. in view of Hennart et al. U.S. Patent No. 3,587,968. The present application, Appln. Serial No. 10/777,079, and Kotary et al. were, at the time the invention of the present application was made, owned by S. C. Johnson & Sons, Inc., Racine, WI. Therefore, applicant respectfully requests reconsideration and withdrawal of this obviousness rejection based on Kotary et al.

Applicant respectfully traverses and requests reconsideration and withdrawal of the rejection of claims 1, 2, 4, 5, 8-12, and 16-21 as anticipated by Kotary et al. U.S. Patent No. 7,007,863 (Kotary et al.).

According to the Office action, Kotary et al. discloses "an evaporative device including a ... capillary member (3a, 3h) having ... a nonporous capillary channel extending from the wick...." The Office action cites specifically to Figure 5B of Kotary et al., and states that this "shows a capillary member 3h extending radially from wick portion 3g." In regard to claim 21, the Office action states that "the capillary member 3h has an insert for which the wick is placed within such that the nonporous capillary member is in communication with the wick."

Applicant takes the position that Kotary et al. does not anticipate the above-noted claims. To anticipate a claim, a reference must contain all the elements of the claim as arranged in the claim.

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The claims at issue in this anticipation rejection recite: 1) a capillary member having a nonporous capillary channel that extends radially from the wick, or 2) a capillary plate having a nonporous surface in communication with a portion of the wick. The Office action points to FIGS. 2C, 2D, 3, and 5 of Kotary et al. to support this rejection. However, Kotary et al. states that wick section 3h of FIG. 5 "is comprised of a porous plastic material." (Kotary et al., col. 7, lns. 8-14) In fact, the only example of a nonporous capillary member is in reference to FIGS. 2C and 2D. However, neither figure discloses or suggests a nonporous capillary channel that: 1) extends radially from the wick, or 2) a capillary plate having a nonporous surface as recited in the claims at issue. To anticipate a claim, a reference must contain all elements of the claim as arranged in the claim. As Kotary et al. does not contain all the elements of the claims as arranged therein, the applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2, 4, 5, 8-12, and 16-21 as anticipated by Kotary et al.

The applicant further wishes to thank the examiner for indicating that claims 15, 22, and 23 are allowed, and that claims 13 and 14 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Still further, because independent claims 1, 4, and 12 as currently pending are not disclosed or suggested by the cited art, it stands that any claim dependent on such independent claims is not disclosed or suggested by the cited art. As a result, each of claims 2-3, 5, 6, 8-11, 14, and 16-21 is allowable for, at least, the reasons discussed above with regard to each respective independent claim. As a result, each of claims 1-6, 8-12, 14, and 16-21 is allowable over the cited art.

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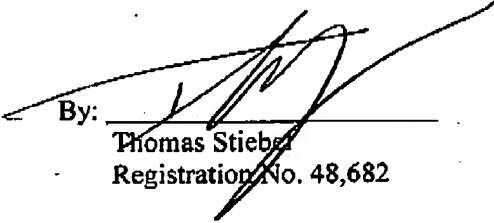
Deposit Account Authorization

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

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June 23, 2008

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